

The Honorable John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FAKHAR HAYAT,

Plaintiff,

vs.

DANIELLE LEHMAN, *et al.*,

Defendants.

) No.: 2:23-cv-01040-JHC

)
) STIPULATED MOTION AND ORDER TO
) CONTINUE DEADLINES

)
) NOTED FOR CONSIDERATION:
) September 11, 2023

STIPULATION

Plaintiff Fakhar Hayat and Defendants Danielle Lehman, *et al.*, through their respective counsel, pursuant to Federal Rule of Civil Procedure 6 and Local Civil Rules (“LCR”) 10(g) and 16, hereby jointly stipulate and respectfully move for (1) a 60-day extension of the deadline for Defendants to respond to the Complaint, and (2) the Court to vacate the deadlines set in the Court’s scheduling order (Dkt. #4) for a Fed. R. Civ. P. 26(f) conference, initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1), and filing a Combined Joint Status Report and Discovery Plan as required by Fed. R. Civ. P. 26(f) and LCR 26(f).

A court may modify a deadline for good cause. Fed. R. Civ. P. 6(b). Continuing pretrial

1 and trial dates is within the discretion of the trial judge. *See King v. State of California*,
 2 784 F.2d 910, 912 (9th Cir. 1986).

3 The parties submit there is good cause for an extension of the deadline for Defendants to
 4 respond to the Complaint. Plaintiff seeks review under the Administrative Procedures Act,
 5 5 U.S.C. § 706, and petitions the Court to compel agency action to adjudicate his Form I-589
 6 application for asylum and Form I-730 asylee relative petitions. (Dkt #1). On August 21, 2023,
 7 the U.S. Citizenship and Immigration Services approved Plaintiff's Form I-589 application for
 8 asylum. On September 1, 2023, counsel for the parties telephonically met and conferred about
 9 this case. Counsel determined that portions of the dispute are resolved and continued negotiation
 10 might facilitate the full resolution of this case without further litigation. Continuing the existing
 11 deadlines for a responsive pleading will allow the parties and the Court to conserve resources
 12 because they will not have to expend resources completing work on a case that may become moot.

13 The parties also stipulate that this case is exempt from the initial disclosure requirements
 14 of Fed. R. Civ. P. 26(a)(1)(A) and the initial conference requirements under Fed R. Civ. P. 26(f)
 15 and LCR 16(b)(7) as an action for review of an administrative record. *See* Fed. R. Civ. P.
 16 26(a)(1)(B)(i), 26(f)(1); LCR 16(b)(7). As such, the parties respectfully request the Court vacate
 17 the scheduling order (Dkt #4). The parties shall also notify Ashleigh Drecktrah, Court Deputy, via
 18 email, that this case is exempt from the requirements of Fed. R. Civ. P. 26(a) and 26(f) per the
 19 scheduling order (Dkt #4).

20 Therefore, the parties agree to and propose the new responsive pleading deadline as
 21 follows:

Action	Deadline
Defendants' Responsive Pleading	November 17, 2023

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: September 11, 2023

Respectfully submitted,

*s/ Devin T. Theriot-Orr**

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*signed and filed with permission from counsel

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ORDER

IT IS SO ORDERED.

Dated this 11th day of September, 2023.



The Honorable John H. Chun
United States District Court Judge